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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,236	07/12/2001	Edward O. Clapper	INTL-0628-US (P12052)	2118

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EXAMINER

TANG, SON M

ART UNIT PAPER NUMBER

2632

DATE MAILED: 02/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/904,236

Applicant(s)

CLAPPER, EDWARD O. W

Examiner

Son M Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims **1-4, 6-15, 17-24 and 26-30** are rejected under 35 U.S.C. 102(e) as being anticipated by **Jelen et al.** [U.S. Pat. 6,119,935].

As to claims 1, 11 and 21: **Jelen et al.** disclose a system comprising, a processor (met by a customer information terminal 10) includes a sensor (which met by a transceiver 164) associatable with a user, wherein a sensor receives information from a plurality of wireless tags (which met by a infrared transmitters (166, 168) positioned around a facility (col. 4, lines 46-47) to determine the user's position in the facility (as cited in Fig. 1 and col. 4, lines 34-47, and col. 8, lines 28-47 and col. 9, lines 54-58).

As to claims 2-3, 12, 22-23 and 27-29 : **Jelen et al.** further disclose a wirelessly link a plurality of shopping carts within a retail facility through a local area network based, and enable the carts to exchange information through said network, such as cart location and advertisement page (as shown in Fig. 1 and col. 4, lines 7-21) and (col. 9, lines 54-67).

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As to claims 4, 7, 9, 13-15, 17, 19 : Jelen et al. further disclose that using said information from said wireless tags to determine the current location of the user and enable the processor system to provide information to the cart depending on the cart's current location (as cited in col. 9, lines 54-58, and col. 10, lines 1-4).

As to claims 6 and 26: Jelen et al. further disclose sensor (164) on a shopping cart (as shown in Fig. 1 and col. 8, lines 28-29).

As to claims 8, 18: The claimed "providing said information from said wireless tags to a server" is inherently included, because Jelen et al. disclose that the processor-based system (10) communication with a host server (58) via a wireless LAN within a cell (as cited in col. 8, lines 4-9).

As to claims 10, 20, 30: The claimed "obtaining information about the route and direction of travel of a user" is inherently included in the system, since user can be requested for location assistance (as cited in col. 12, lines 24-27) the server already positioned the user where is about, location, route and direction of travel in order to assistance routine.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **5, 16 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jelen et al.** [U.S. Pat. 6,119,935].

As to claims 5, 16 and 25: **Jelen et al.** disclose all the limitations as described above, **Jelen et al.** fail to specify that the system providing plurality of sensors associated with the user. However, as long as the sensor is being sensed, employing a plurality of sensors for performing the same function would not constitute an inventive step, but an obvious design choice. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a plurality sensors in the above combination for sensing the tags as desired.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

--**Schkolnick et al.** [U.S. Pat. 5,729,697] disclose a Intelligent Shopping Cart

---**Heller** [U.S. Pat. 6,154,139] discloses a Method and System For Locating Subjects Within A Tracking Environment.

--**McDonald** [U.S. Pat. 6,211,781] discloses a Method And Apparatus For Tracking And Locating A Moveable Article.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Son M. Tang** whose telephone number is (703) 306-5970. The examiner can normally be reached on Mon. to Fri. from 7:30a.m. to 5:00p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeffery Hofsass**, can be reached on (703) 305-4717.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

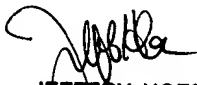
7. **Any response to this action should be mailed to :**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703)872-9314 (note: for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).


**JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**

Son Tang

February 10, 2002